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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/649,416

08/27/2003

Mark E. Montgomery

2002-56

5304

7590

09/01/2004

Michael McEntee, Attorney at Law
Suite 100
15802 Chemical Lane
Huntington Beach, CA 92649

EXAMINER

STULTZ, JESSICA T

ART UNIT

PAPER NUMBER

2873

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,416

Applicant(s)

MONTGOMERY, MARK E.

Examiner

Jessica T Stultz

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

New corrected drawings are required in this application because Figures 1-6 and their corresponding reference numbers are written by hand and are therefore informal and unclear. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Renard.

Regarding claim 1, Renard discloses a pair of glasses (Sections 18-23, wherein the glasses are eyewear “10”, Figures 1-2) adapted to enable a person to have his or her eyes shielded from the glare of the sun (Sections 20 and 23, wherein the lens blocks ultraviolet light and wherein the polarized segment “15” reduces glare in aviation glasses, Figures 1-5) and also to be able to glance at a polarized display (Section 23, wherein the nonpolarized sections “16” and “17” allow the user to view the cockpit instruments, i.e. polarized display, Figures 1-5),

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comprising: a frame for spectacles (Section 18, wherein frame “11” holds lenses “14”, Figure 1), two or more transparent surfaces mounted in the frame (Sections 18-23, wherein the transparent surfaces are the front and back surfaces of lenses “14” comprising upper and lower transparent viewing areas “16” and “17”, Figures 1-5); a polarizing filter covering a portion of the transparent surfaces (Sections 18-23, wherein the polarizing filter is polarized segment “15”, Figures 1-5), such that the pair of glasses function as bifocal glasses enabling the wearer to select between polarized and unpolarized light reception by merely moving the direction of the wearer’s eyeballs (Sections 18-23, wherein the user moves the direction of their eyeballs between the transparent nonpolarized segments “16” and “17” and the polarized segment “15”, Figures 1-5), but does not specifically disclose that the user is able view the display at any angle of rotation of the display. However, it is inherent that the glasses of Renard would enable the user to view the display at any angle of rotation, this being reasonably based upon the small size of the polarizing segment compared to the size of the nonpolarized upper and lower segments of the lenses (Sections 18-23, wherein the polarized segment is “15” and the nonpolarized segments are “16” and “17”, Figures 1-5), which allow the user to view the polarized display from any angle.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lin, Sheldon et al, and Kerns et al are cited since they all disclose eyeglasses with both nonpolarized viewing segments for and polarized glare blocking segments.


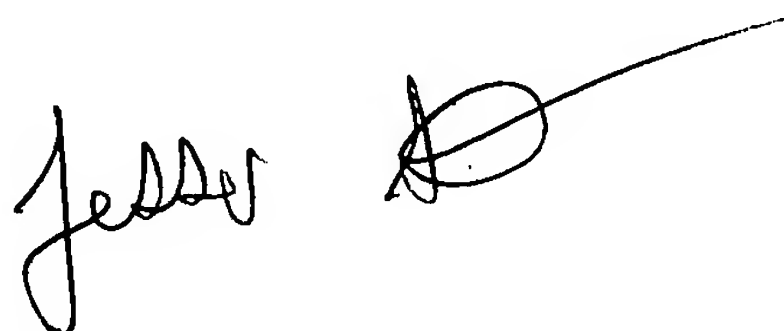
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica T Stultz whose telephone number is (571) 272-2339. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jessica Stultz
Patent Examiner
AU 2873
August 25, 2004



Georgia Epps
Supervisory Patent Examiner
Technology Center 2800